

SUPPLEMENT to the Solomon Islands Gazette

Monday, 28th June 1999

S.I. NO. 23

[Legal Notice No. 62]

THE EMERGENCY POWERS ACT
(Cap. 11)THE EMERGENCY POWERS (ISLAND OF GUADALCANAL)
(AMENDMENT) REGULATIONS 1999

IN exercise of the powers conferred upon me by section 2 of the Emergency Powers Act, I, SIR MOSES PUIBANGARA PITAKAKA, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor-General and Commander-in-Chief of Solomon Islands, do hereby make the following regulations-

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| 1. | These Regulations may be cited as the Emergency Powers (Island of Guadalcanal) (Amendment) Regulations 1999. | Citation |
| 2. | The Emergency Powers (Island of Guadalcanal) Regulation 1999 (hereinafter referred to as the "principal regulation") is hereby amended by adding immediately after regulation 2 (2) the following as subregulation (3) thereof- | Amendment of regulation 2, L.N. 60 of 1999 |
| "Protection in respect of acts done on good faith. | (3) In these Regulations the word "authorised officer" means any member of the disciplined force within the meaning assigned thereto under section 16 of the Constitution of Solomon Islands, and includes any member of the public acting under the command of a police officer of or above the rank of Inspector." | |
| 3. | Regulation 11 of the principal regulation is hereby deleted and the following new regulation substituted thereof- | Deletion and substitution of regulation 11 |
| | 11. No civil suit or Criminal prosecution shall be brought against a police officer, authorised officer or any other person for any act or omission committed or done in good faith in carrying out his duties or in the exercise of his powers during the continuance in force of the state of public emergency". | |
| 4. | The principal regulations are hereby amended by inserting therein immediately after regulation 14 the following as subregulations 15, 16 and 17 respectively- | Restriction in relation to publication. |
| "Restriction in relation to publication. | 15. (1) Notwithstanding the provisions of any other law to the contrary, any person who without the approval of the Prime Minister, prints or publishes in any newspaper or other publication or broadcasts, transmits or communicates any matter which- | |

(a) may incite violence or which is likely to cause racial or communal disharmony or hostility between different communities or racial groups;

(b) is prejudicial or likely to be prejudicial to the safety or interests of the state or excites or likely to excite or attempts to excite feelings of disaffection to the Government of Solomon Islands or excites or likely to excite or attempts to excite hatred to or contempt of the administration of justice or national security or likely to raise discontent or disaffection within the disciplined forces; or

(c) purports to be contents of any official document or communication relating to any matter of national security or of the disciplined force,

shall be guilty of an offence and liable on conviction to imprisonment of two years or to a fine of five thousand dollars or to both such fine and imprisonment.

(2) where the Prime Minister has reason to believe that the printing, publishing or broadcasting of any matter would constitute an offence under subsection (1), he may by order prohibit any person from printing, publishing or broadcasting such matter.

(3) Any person who having notice of such Order prints, publishes or broadcasts any matters prohibited by an order made under subregulation (2) shall be guilty of an offence and liable on conviction to imprisonment of two years or to a fine of five thousand dollars or to both such fine and imprisonment

Retention
of official
documents
in certain
circumstance

16. (1) If any person (a) retains for any purpose prejudicial to the safety or interests of the State any official document, whether or not completed or issued for use, when he has no right to retain it, or when it is contrary to his duty to retain it, or fails to comply with any directions issued by any Government Department or any person authorised by such department with regard to the return or disposal thereof; or

(b) allows any other person to have possession of any official document issued for his use alone, or communicates any secret official code word or pass word so issued, or, without lawful authority or excuse, has in his possession any official document or secret official code word or password issued for the use of some person other than himself, or on obtaining possession of any official document by finding or otherwise, neglects or fails to restore it to the person or authority by whom or for whose use it was issued, or to a police constable,

shall be guilty of an offence and liable on conviction to imprisonment of two years or to a fine of five thousand dollars or to both such fine

and imprisonment.

- (2) In this regulation "official document" includes any information contained in a letter, memorandum, circular, correspondence or other statement from a public official in the ordinary course of his official duties.

Presumption
that be
communication
prejudicial to
safety or
interest of State

17. On a prosecution under regulations 15 and 16 it shall not be necessary to show that the accused person was guilty of any particular act tending to show a purpose prejudicial to the safety or interests of the State, and, notwithstanding that no such act is proved against him, he may be convicted if, from the circumstances of the case, or his conduct, or his known character as proved, it appears that his purpose was a purpose prejudicial to the safety or interests of the State; and if any document, or any secret official code word or pass word, is made, obtained, collected, recorded, published, or communicated by any person other than a person acting under lawful authority it shall be deemed to have been made, obtained, collected, recorded, published, or communicated for a purpose prejudicial to the safety or interests of the State unless the contrary is proved."

Made at Honiara this twenty eight day of June 1999

SIR MOSES PUIBANGARA PITAKAKA
Governor General

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